

REMARKS

Reconsideration of this application is respectfully requested in view of the above amendments and following remarks.

Claims 1-112 are pending. Claims 113-126 are canceled. Claims 1-6, 10, 13-14, 17-21, 75, 84-99, 102 and 105-112 are under examination. Claims 7-9, 11-12, 15-16, 22-74, 76-83, 100-101 and 103-104 are withdrawn. Claims 1, 84, 86, 89-93 and 110 are amended herein. No new matter is being introduced.

The Examiner objects to claims 1, 89, 93 and 110 because of informalities. Applicants have made appropriate amendments to these claims according to the Examiner's suggestion.

The Examiner rejects claims 1, 89, 92-93 and 110 under 35 U.S.C. §112, second paragraph as being indefinite. In particular, the Examiner states that the wording "compound" (*i.e.*, compound₁ and compound₂) is not definite. The Examiner further suggests changing the wording of Compound to core. Applicants have made appropriate amendments to these claims according to the Examiner's suggestion.

Claims 1-6, 10, 75, 84-99, 102 and 105-112 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,312,725 to Wallace *et al.* (hereafter "Wallace".)

Claims 1, 89-93 and 110 are amended herein. Amended claim 1 now includes an additional element, namely, the biocompatible gel-forming drug-delivering composition further comprises a secondary carrier, the secondary carrier incorporating the drug. Support for these amendments can be found throughout the specification as well as in claims 84, 86, 102 and 106 as originally filed. The second carrier assists the solubilization and/or delivery of the drug, *see, e.g.*, paragraphs [0358] and [0372]-[0374]. Examples of the secondary carrier are described in, *e.g.*, paragraphs [0377]-[0381].

This feature is not taught or suggested in Wallace. In particular, Wallace does not teach or suggest a secondary carrier that incorporates a drug. Accordingly, Wallace does not anticipate amended claim 1 and its dependent claims.

Moreover, claims 89-93 and 110 are similarly amended. They and their dependent claims are likewise not anticipated by Wallace because Wallace does not disclose or suggest a secondary carrier.

For the forgoing reasons, Applicants respectfully request that this ground of rejection be withdrawn.

Claims 1-6, 10, 13-14, 17-21, 75, 84-99, 102 and 105-112 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wallace in view of U.S. Patent No. 5,854,382 to Loomis (hereafter "Loomis").


Wallace and Loomis do not teach or suggest the invention of claims 1-6, 10, 13-14, 17-21, 75, 84-99, 102 and 105-112. As discussed above with respect to amended claim 1, Wallace does not teach or suggest a secondary carrier. Loomis does not provide a teaching or suggestion of the feature that is missing in Wallace. More specifically, Loomis describes a hydrophobic copolymer that can be used as a drug delivery system. However, Loomis fails to teach or suggest a secondary carrier (*i.e.*, other than the hydrophobic copolymer) in the drug delivery system. Accordingly, Wallace and Loomis do not render the amended claim 1 (and its dependent claims) unpatentable.

Moreover, claims 89-93 and 110 are similarly amended. They and their dependent claims are likewise patentable over Wallace and Loomis. Applicants respectfully request that this ground of rejection be withdrawn.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,
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